



## Sri Lanka

### Country Reports on Human Rights Practices - [2000](#)

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Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Chandrika Kumaratunga, head of the governing People's Alliance (PA) coalition, won reelection in 1999 for a second 6-year presidential term in a process marked by voting irregularities and at least six election-related deaths. Violence and fraud marked the October parliamentary elections as well; at least seven persons were killed in campaign-related violence in the period prior to the October election, which resulted in a reduced majority for the PA for the next 6-year period. The Government respects constitutional provisions for an independent judiciary. Through its rulings, the judiciary continued to exhibit its independence and to uphold individual civil rights, although the Supreme Court Chief Justice, in an attempt to reduce the court's workload, limited the fundamental rights cases that the court examined, preventing some torture victims from obtaining redress.

For the past 17 years, the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate ethnic Tamil state in the north and east of the country. The conflict has claimed over 62,000 lives. In 1999 government forces took LTTE-controlled areas north and west of Vavuniya, but counterattacks starting in November 1999 erased most government gains. In January the LTTE began a buildup on the Jaffna peninsula and in April captured the important Elephant Pass military base. The clashes left large numbers of civilians dead or wounded and displaced more than 150,000 persons. Although the military halted the LTTE advance toward Jaffna in June, continuing clashes between the security forces and the LTTE killed several hundred more persons on both sides.

The Ministry of Defense controls all security forces (armed forces and police). The 60,000-member police force is responsible for internal security in most areas of the country, and it also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The police paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and appears to direct various anti-LTTE Tamil militias, although at times these groups seemed to act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from tourism and the repatriated earnings of citizens employed abroad. The gross domestic product (GDP) per capita is approximately \$850. Real GDP growth was 4.3 percent in 1999; because of increased exports and a surge in remittances from citizens abroad, growth by year's end reached 6.1 percent. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing public sector enterprises and promoting foreign investment and trade. These steps continued during the year, although privatization slowed due to the unsettled situation in the country.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency, but there are serious problems in some areas, and the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by both sides of the conflict. Security forces committed numerous extrajudicial killings. In the past, security forces almost certainly killed prisoners captured on the battlefield; however, there were no reports of this abuse during the year. The military and police reportedly tortured detainees, and one person died in police custody. In addition nine individuals reportedly disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have

been killed after last being seen near the army's forward defense lines in the north, areas that civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the years, the risk to civilians remained high. The military took some measures to limit civilian casualties during operations, although more than 100 civilians died, with hundreds more injured, as a result of military-LTTE clashes. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests (including short-term mass arrests and detentions) continued, often accompanied by failure of the security forces to comply with legal protections. New Emergency Regulations (ER) published in May further eroded due process protections. Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving many cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution, giving the appearance of impunity for those responsible for human rights violations. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and some foreign television broadcasts on military and security operations during the year, implementing stringent censorship regulations and shutting down newspapers critical of the Government. On occasion in previous years, security forces harassed journalists; however, there were no reports of such harassment during the year. Serious restrictions remained on freedom of movement, especially from Vavuniya to Colombo and the southern part of the country generally. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities, and there is institutionalized ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced labor occurs, and a significant number of male children are trafficked into prostitution for foreign pedophiles.

In March the Government named five commissioners including a new chairman for the National Human Rights Commission (HRC), which has 11 offices around the country; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. Rights activists expressed some satisfaction with the new leadership. The Committee to Inquire into Undue Arrest and Harassment (CIUAH) continued to assist those alleging abuse at the hands of the military and police. Human rights groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been advertised widely, and they question its continued viability. In November the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses referred by the Supreme Court, U.N. organs, or international human rights organizations. The Government in November also established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General, to prosecute torture cases. In March authorities arrested five suspects and issued an arrest warrant for another, in connection with the mass graves in Chemmani exhumed in 1999. Several of those arrested received bail. The case has not yet come to trial, and it was still pending at year's end.

The Government did not attempt, as in the past, to use the ER to cover up security force misdeeds; however, the Government arrested one person under the Prevention of Terrorism Act (PTA) to stifle competition with the state telecommunications monopoly. The Government captured or accepted the surrender of at least two LTTE cadres throughout the year (it is widely believed that many LTTE cadres committed suicide to avoid capture). The Government also continued to provide relief to those displaced by the conflict although many were still in areas under LTTE control such as the Vanni. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni. The Attorney General's office continued to indict security force personnel (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP), who were implicated in the 1997 reports of three regional commissions that documented the disappearance of more than 16,000 persons from 1988 to 1994. These persons disappeared after being removed forcibly by security force personnel and others. The Attorney General referred 348 files for action by the courts, involving 583 security force personnel and resulting in 4 convictions of 88 members of the police and military. A fourth commission, which was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate before their mandates expired, sent a report to the President on August 31 to assist in further investigations and possible indictments.

There are several former Tamil insurgent organizations currently aligned with the Government. These progovernment Tamil militants, who are armed and at times appear to be directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) supposedly were disarmed by the Government in Vavuniya after a May 1999 exchange of gunfire between the groups in Colombo.

The LTTE continued to attack civilians. The LTTE continued to commit serious human rights abuses in the ongoing war with the Government. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefield, and also was responsible for disappearances, torture, arbitrary arrest,

detentions, and extortion. At least 170 noncombatants were killed from January through September in LTTE suicide bombings and other attacks outside of the northern conflict zone. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity for some politicians.

Although it released four prisoners in February and another in June, the LTTE refused to free remaining military personnel and civilians in its custody. The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on privacy rights, routinely violated civil liberties, operated an unfair court system, restricted freedom of movement, used child soldiers, and severely discriminated against ethnic and religious minorities.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

Police, Home Guards, and army personnel committed extrajudicial killings, including the killing of civilians in connection with the conflict with the LTTE. One person died in police custody at Kantale after being arrested for suspected terrorist activity in June (see Section 1.c.). The STF shot and killed two young Tamil civilians in March. Seven persons died in elections-related violence on September 29. On July 13, army soldiers allegedly killed a Tamil student in Jaffna, which led to more than a week of protest and boycotts by students. The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

On April 30, gunmen in police uniforms killed the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali.

On October 27, while police allegedly looked on, 27 Tamil males between 14 and 23 years of age were hacked to death by local villagers armed with machetes and clubs; 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. The victims were former child soldiers being detained at a government-run "rehabilitation" camp at Bindunuwewa near Bandarawela. President Kumaratunga sent two police teams to investigate. The HRC said the police were guilty of "grave dereliction of duty," and it did not believe that the mobs could have overpowered the police present. By year's end, police had arrested 3 employees of a local teacher's technical training college and detained 13 policemen in connection with the incident. Violence after the killings at Bindunuwewa continued for almost a week in the country's central hill area, and at least 14 people died during the week before police could restore order.

On December 19, nine Tamil civilians were reported missing in Mirusuvil after being arrested by the Sri Lanka Army (SLA). One person escaped, and after checking himself into the local hospital for torture wounds, reported the incident to police and the local magistrate. The magistrate, accompanied by police, took the person to the site where he and the other eight had been arrested and tortured. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight. The soldiers identified the place of burial, and the bodies were exhumed. On December 25, an additional SLA commissioned officer and six additional SLA soldiers were arrested for the torture and murders. The army commander is monitoring the matter and has ordered a separate inquiry into the incident (see Sections 1.b. and 1.c.).

In some cases, extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam, near Trincomalee, in February 1998, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested 31 police officers and 10 home guards, and charged 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The case remained active during the year.

Impunity remains a serious problem. Since April 1995 at least several hundred persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody; they are

presumed dead. With the exception of the 6 security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy and the 4 convictions for abduction involving 88 security force personnel, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces--especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished for this during the year.

In 1998 the court sentenced 6 persons to death and acquitted 2 others in the case of 16 police and army personnel prosecuted for the rape and murder of Tamil schoolgirl Krishanthi Kumaraswamy, the murder of 2 members of her family, and the rape and murder of another individual. At his sentencing, 1 of the convicted, former Lance Corporal Somaratne Rajapakse, claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. Five others convicted in the Kumaraswamy killings later also claimed knowledge of mass graves in the Chemmani area where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. In 1998 the Ministry of Defense (MOD) stated that the police Criminal Investigation Department had been directed to examine the allegation, and forensic experts and detectives were to visit the site. Exhumations in 1999 in the presence of international observers and forensic experts yielded 15 skeletons. Two of the victims provisionally were identified as young men who had disappeared in 1996. In December 1999, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including a skeleton that was bound and blindfolded, showed signs of physical assault which led to their deaths. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault leading to death could not be ruled out. By year's end, 13 of the bodies had not been identified. Family members provisionally identified the bodies. Rajapakse and others named a total of 20 security personnel, including former policemen, as responsible for the killings. On March 14, authorities arrested five suspects and issued an arrest order for another who fled. In June one suspect not charged with murder was released on bail. The case was pending at year's end, but fighting near Jaffna displaced key witnesses and delayed proceedings.

Although in June the courts ordered five soldiers arrested for the July 1999 gang rape and murder of Ida Carmelita, a young Tamil girl (two additional suspects were already in remand), the case remained pending at year's end. During the year, investigations conducted into the case found that the weapons used in the killing belonged to army personnel. Various witnesses testified at hearings held during the year. The case is to continue in 2001.

The 1997 death of Reverend Arulpalan was not investigated during the year.

In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end, no charges had been filed in connection with the case. On January 6 and 7, 2 Tamil detainees in Kalutara prison died and more than 40 suffered injuries in clashes with other prisoners and prison guards. Authorities subsequently moved many detainees to another facility, but by year's end, they had taken no action against those responsible for the killings.

The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder, and the case was scheduled for trial during that year; however, the case had not gone to trial by year's end. The other two accused security force agents were released due to lack of evidence.

The case of the 22 STF members arrested on suspicion of murdering 23 Tamil youths at Bolgoda Lake in 1995 went to trial in June. Since key witnesses did not appear, the prosecution asked for the case to be rescheduled to October, when another hearing was held. The next hearing was scheduled for March 8, 2001.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The court held hearings in June and October, but the case was postponed until January 2001. Many witnesses for the case live in refugee camps, and they cannot come to court to give evidence; observers believe that the case likely will be protracted.

Former insurgent Tamil militant groups armed by and aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups remained inadequate, and complaints about them continued, especially in Vavuniya and Batticaloa. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit camps for internally displaced persons (IDP's) in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Persons killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. Unknown assailants killed Jaffna media correspondent Mayilvaganam Nimalarajan in the early morning of October 20. Nimalarajan's outspoken criticism of paramilitary groups in Jaffna led many to believe that one of these groups killed him. In February two members of the Razeek group were killed in separate incidents; in March a member of PLOTE was killed in Batticaloa; in April two TELO members were killed. These deaths likely resulted from rivalry among the groups. In May 1999, the Government forbade these groups from carrying arms and from stockpiling weapons, but these prohibitions have generally not been effective.

Violence marred the period prior to parliamentary elections in October. By September 29, at least seven persons had died in election-related violence, and local monitoring organizations reported over 500 violent acts.

On January 5, assailants shot and killed pro-LTTE Tamil politician Kumar Ponnambalam. Police detained four persons, two of whom alleged that a local businessman had hired them to commit the murder. The investigation continued at year's end.

During the year, the Government ordered payment of compensation to victims of a 1999 air force bombing that killed 22 civilians at Puthukkudiyiruppu.

The LTTE committed many extrajudicial killings, including many bombings (see Sections 1.c. and 1.g.). On January 23, the LTTE killed 14 civilians in Kokkadicholai for alleged links to the security forces. On March 1, the LTTE killed a Jaffna municipal council member from the Eelam People's Democratic party (EPDP). On March 10, in an attack meant for government ministers scheduled to travel along a certain route near Parliament, the LTTE killed 30 civilians and injured 60 more with claymore mines, rocket propelled grenades, and automatic weapons during rush hour in a Colombo suburb. Other civilians died or suffered injuries in a fight between security forces and the LTTE that evening. On March 11, LTTE cadres who survived the first battle committed suicide or died at the hands of the security forces. In Batticaloa on November 7, two suspected gunmen killed newly-elected Tamil United Liberation Front (TULF) Member of Parliament Nimalan Saundranayagam and wounded his security guard.

On January 27, an LTTE bomb exploded at the post office in Vavuniya where military personnel were collecting paychecks, killing 11 persons and injuring more than 70 others, mainly civilians. Several bombings in commuter buses in January and February attributed to the LTTE killed 4 persons and injured more than 100 others. On May 17, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons, including children, and wounded dozens of others. Credible witnesses reported gunfire 10 minutes after the explosion; they described it as a retaliatory attack by police that allegedly killed 4 persons (see Section 1.g.), but police and hospital records do not confirm this account. On May 30, an LTTE bomb in Nelunkulan near Vavuniya killed 2 persons and injured 40 others. On June 14, an LTTE bomb hit a bus transporting members of the air force, injuring more than a dozen soldiers and killing two civilians. On December 14, a bomb explosion linked to the LTTE killed two civilians and two police officers.

On January 5, a suicide bomb blast in front of the Prime Minister's office killed 14 persons and injured dozens of others. On June 7, an LTTE suicide bomber killed 23 persons, including the Minister of Industrial Development C.V. Gooneratne and his wife, at a parade in a Colombo suburb. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna. Five of the ship's crew remain missing, and they may have died in the attack or fallen prisoner to the LTTE. On September 15, an LTTE suicide bomber killed himself, 5 others, and wounded more than 20 persons, in front of the National Eye Hospital in central Colombo. In a similar incident, on October 5, an LTTE suicide bomb killed 10 persons and injured 40 persons at a PA political rally at the north-central town of Medawachchiya.

The LTTE also has targeted progovernment Tamil groups in the past.

The LTTE also has committed a number of "lamp post" killings, although there were no reported lamp post killings during the year. At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed in 1999 by the LTTE in public executions; their bodies were tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE reportedly sometimes also kills its own injured troops to avoid their capture (see Section 1.g.).

On October 2, at least 20 civilians were killed when a suicide bomber killed Mohammed Lathif Baithullah, a candidate for the Sri Lanka Muslim Congress, and his bodyguards, during campaigning for the October 10 parliamentary elections. All of the civilians were reportedly members of the Muslim community.

On October 19, a suicide bomb attack near the town hall in central Colombo left 3 dead and injured 24 others, including 3 foreigners.

No further investigation has been made into the November 1999 killing by unknown assailants of Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and editor of a weekly Tamil-language newspaper.

During the year, no investigation or arrests were made in connection with a grenade explosion in November 1999 that killed a person and injured 35 others at a political rally held by UNP.

In March 1999, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

#### b. Disappearance

Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, or Jaffna. The army, navy, police, and paramilitary groups caused as many as 11 disappearances in Vavuniya and Trincomalee through September 29. In January, bodies of three Tamils allegedly taken by the Home Guards near Trincomalee were found; two of them had been decapitated. In December eight Tamil civilians were reported missing in Mirusuvil after being arrested and tortured by the SLA. Two SLA soldiers were identified as perpetrators and admitted to murdering seven of the civilians. The bodies were exhumed. One SLA commissioned officer and six additional SLA soldiers were arrested later. At year's end, the army commander had ordered an inquiry into the incident (see Sections 1.a. and 1.c.). Human rights nongovernmental organizations (NGO's), including Amnesty International (AI), reported an increase in disappearances in Vavuniya during the second half of the year. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east. However, the U.N. Working Group on Enforced or Involuntary Disappearances lists Sri Lanka as a country with an extremely large number of nonclarified disappearances. Those who disappeared during the year and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988-94, most during the 1988-89 period of the JVP uprising. The commissions found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements--in particular the leftist JVP--were determined to be responsible for the disappearances. After the reports were presented to the President in September 1997, the police created a Disappearances Investigations Unit (DIU) in November 1998 to examine 1,681 cases in which the commissions had evidence against specific individuals. In July 1999, the Attorney General created a Missing Persons Commissions Unit to consider institution of criminal proceedings based on results of DIU investigations. The Attorney General's office has opened over 1,175 files and referred 262 indictments to the high courts and 86 complaints to magistrates involving 583 members of the security forces on abduction and murder charges. Hearings and trials in at least 250 of these cases had begun by year's end. Of these the Attorney General's office successfully prosecuted 4 cases of abduction, involving 88 security force personnel.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance that occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga government took office in 1994. The commission is charged with facilitating payment of

monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission submitted an interim report to President Kumaratunga in December 1999 and a final report on August 31 (which by year's end still had not been made public) to assist in further investigations and prosecutions.

During the year, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began in 1999 against an army major (who died before the court case began) and a former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The case continued during the year.

In October 1999, the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999, cited the PTA and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The working group criticized the country's slow progress in resolving disappearances and noted the lack of implementation of its recommendations from visits in 1991 and 1992, including the creation of a central register of detainees. The report encouraged the establishment of an independent body to investigate disappearances that occurred after the Kumaratunga Government took office in 1994.

Progovernment Tamil militias also were responsible for disappearances. These militias detained persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believed that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country in 1999. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' right to bear arms were implemented following a May 1999 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE has denied taking any prisoners from its battles, at year's end it was known to be holding 11 civilian crew members of vessels that it has hijacked since 1995, along with 11 security force personnel. In February the LTTE released four security force members after a hunger strike; in April the LTTE released one civilian prisoner. The LTTE has not notified the International Committee of the Red Cross (ICRC) of any new security forces prisoners since 1994.

#### c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons, particularly Tamils suspected of supporting the LTTE. Suspected criminals also apparently were tortured. Several children reportedly have been tortured in detention during the last few years. The 1994 Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a 1999 AI report, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances and allowed under others. Consequently torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, admissible in court. The Working Group on Enforced or Involuntary Disappearances and other human rights organizations cited the PTA as a major factor contributing to torture of prisoners.

The Government is developing regulations to prosecute and punish military and police personnel responsible for torture. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. By year's end, there were 146 cases under investigation. In addition the Government also ceased paying fines incurred by security force personnel found guilty in proceedings of the offense. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's office, by year's end, 8 members of the security forces and police had been prosecuted under criminal statutes, but none of the cases had come to conclusion. Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drownings. In other cases, victims must remain in unnatural positions for extended periods, or they have bags laced with

insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention during the year.

Medical examination determined that officers of the Counter-Subversive Unit of the Vavuniya police beat and burned with cigarettes a Tamil man arrested in March. Police at Kantale, near Trincomalee, arrested and tortured five young Tamils in June; one died as a result (see Section 1.a.). In December the bodies of seven Tamils who had been tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. A commissioned officer and eight soldiers were arrested, and at year's end, an inquiry continued (see Sections 1.a. and 1.b.). Torture appeared more prevalent in rural areas than in Colombo.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Courts or Supreme Court. Courts have granted awards ranging from approximately \$175 (14,200 rupees) to \$2,280 (182,500 rupees). In February the Colombo high court ordered compensation of \$625 (50,000 rupees) to a young man beaten in police custody in Vavuniya and Colombo in 1999. In August the Supreme Court ordered \$1,250 (100,000 rupees) in compensation for a Tamil man tortured in December 1999 at an army camp near Batticaloa. However, most cases take 2 years or more to move through the courts, and NGO's who represent torture victims complained that the new Supreme Court Chief Justice appointed in September 1999 grants hearings in only the most egregious cases.

At the invitation of the Government, the United Nations Committee on Torture sent a five-person mission to Colombo in late August to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. By year's end, the mission had not submitted its confidential report to President Kumaratunga.

Progovernment Tamil militants, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents, and during the year, its members reportedly burned with cigarettes those who refused to pay protection money. Security forces have done little to stop this practice.

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE stated that they had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a. and 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor conditions in short-term detention centers and in undeclared detention centers run by progovernment Tamil groups (see Section 1.d.).

The Government permitted representatives from the ICRC to visit approximately 160 places of detention. The HRC also visited over 2,000 police stations and over 500 detention facilities by year's end (see Section 1.d.).

Conditions also are poor in LTTE-run detention facilities. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permits the ICRC to visit detainees in the Vanni regularly (see Section 1.d.). The ICRC provided medical attention and helped negotiate the release of four servicemen held in Mallavi following a hunger strike in February (see Section 1.b.).

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. However, under the ER and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide since August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. The ER gives security forces broad powers for arrest and detention without charge or the right to judicial review. New ER provisions published in May lengthen to a year the period for which authorities may order individuals to remain at home or otherwise have their freedom of association and movement



limited. The new ER provisions also permit police to hold individuals for up to 90 days to investigate suspected offenses, although the police must present detainees to a court within 30 days to record the detention. The court can order a further 6 months detention. The ER states that detention orders "shall not be called in question in any court on any ground whatsoever," which may contradict an individual's constitutional right to petition the Supreme Court to redress fundamental rights violations.

As required under the ER, the army generally turned over those that it arrested to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this in areas outside of the conflict. Due to censorship and infrequent access, observers could not determine the state of affairs in the north and the east.

Despite Government announcements that it would close all secret detention centers, there were continued credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Large-scale arrests of Tamils continued during the year; these arrests were particularly prevalent after LTTE bombings, when many young Tamils were detained or arrested on suspicion of being LTTE cadres or sympathizers. The Government detained more than 2,819 persons under the ER and PTA from January to August 31, a higher number than that for all of 1999. Many detentions occurred during operations against the LTTE. Most detentions lasted several days to several months. The number of prisoners held at any given moment under the ER and the PTA consistently remained close to 2,000. Hundreds of Tamils indicted under the PTA remained without bail awaiting trial, some for more than 2 years. The high courts held hearings on 1,000 cases under the PTA or ER during the year. Many such cases drag on for years. On January 7 and 15, security forces detained several thousand Tamils in Colombo and the surrounding suburbs in "cordon and search" operations meant to find LTTE cadres after suicide bomb attacks (see Section 1.a.). Although authorities eventually arrested fewer than 100 persons, many of those rounded up for questioning spent hours in detention, often without access to sanitary facilities. On March 18, police at a Colombo checkpoint detained and publicly strip-searched one woman, who turned out to be Sinhalese, on suspicion of being an LTTE suicide bomber. On May 30, police detained hundreds of Tamils in downtown Colombo for almost 5 hours of questioning. Approximately 50 of the detainees were taken for photographing and further questioning. In addition those arrested, most of whom were innocent of any wrongdoing, sometimes were detained in prisons with convicted criminals. Many lesser incidents of this sort occurred during the year. Tamils complained that they were abused verbally and held for extended periods at the security checkpoints that have been set up throughout Colombo (see Section 1.d.). The Government justified the detentions and arrests on security grounds, but many Tamils claimed that the detentions and arrests were a form of harassment. Tamils often suffered arbitrary searches in their homes.

In February the Government ordered the arrest of an engineer employed by a local Internet provider under the provisions of the PTA as part of its attempt to stifle competition with the state-owned telecommunications monopoly. The Government alleged that the company involved in a fundraising scheme to benefit the LTTE. Under international pressure, the Government dropped the charges against the engineer and released him in August; however, investigations of the company continued at year's end.

In July 1998, the President established the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The committee, which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The committee received more than 200 complaints between January and August 31. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following initial publicity, the committee's services have not been advertised widely. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security force checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers,

police stations, and army camps throughout the country that were recognized officially as places of detention. Such visits played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 11 offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4).

The PLOTE continued to run places of illegal detention in Vavuniya. The EPDP also detained members for short periods in Jaffna as punishment for breaking party discipline.

The LTTE continued to detain civilians, often holding them for ransom. For example, in September 1999 the LTTE held three businessmen for a ransom of \$550,000 (40 million rupees). The businessmen were freed after making partial payment and promising to pay the balance. Unconfirmed reports indicated the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 11 civilian crew members of 3 vessels hijacked by the LTTE since 1995. In February the LTTE released 4 of the 15 servicemen that it held. In June it also released 1 of its 12 declared civilians prisoners. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees, aside from these crew members and security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation and followed by joint action of the President and the Parliament.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, obtained by various means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases; most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants can spend up to 18 months being held in prison on administrative order waiting for their case to be heard. Once their case comes to trial, decisions are made relatively quickly. Courts held hearings on some 1,000 PTA and ER cases during the year.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and no law reports exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In Jaffna LTTE threats against court officials disrupted normal court operations. Although magistrate and district level courts functioned during the year, the high court suspended activities due to security concerns.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees or members of the now legal JVP, detained in similar fashion in past years, are

political prisoners. Between 200 and 300 of those previously detained--mostly JVP members--were convicted under criminal law; some remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy, and the Government generally respects these provisions in practice; however, it infringes on citizen's privacy rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of the Ministry of Defense is responsible for providing oversight for such searches. No judicial review or other means of redress exist for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces (see Section 1.d.). The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors news reports that cover military operations. Television stations practice self-censorship and some international news broadcasts which deal with the country specifically are blurred over. This censorship tightened after the publication of the new ER on May 3 (see Section 2.a.), although some restrictions had eased by year's end. For example, although blocks marked "censored" were inserted over missing text in newspapers in past years, there was no occurrence of this action in the last 6 months of the year.

Progovernment Tamil militant groups, nominally operating under government control, used forced conscription in the past, although it appears this practice abated after a 1999 order from the Government. In previous years, there have been credible reports that Tamil youth (in the east in particular) have been forced to join these groups under threats to themselves and their families; however, there were no reports that this practice occurred during the year.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned 66,000 displaced Muslims living in the Puttalam area not to return to their homes in Mannar and Jaffna until the conflict is over. The LTTE also recruits children (see Section 6.c.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year. After establishing positions on the Jaffna peninsula in January, the LTTE in March began a sustained campaign to recapture Jaffna. On April 22, the LTTE captured a large base at Elephant Pass, and in the following weeks, forced the armed forces to retreat to Jaffna. By late May, the front lines had stabilized just east of Jaffna in the Chavachcheri area. From June through August, there were minor skirmishes, with the armed forces carrying out counterattacks from September through year's end that resulted in high casualties on both sides. More than 2,000 combatants and more than 100 civilians died during the year in incidents related to the conflict.

At year's end, approximately 490,000 persons were displaced by the conflict. Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting; during the year the battles near Jaffna displaced an additional 150,000.

The Government in the past often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the armed forces were more secretive during the year, and it did not give public warnings before the commencement of its advances. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby. More than 100 civilians were killed in the LTTE's advance on Jaffna in April and May, including 6 who died at Pallaikudu in May when the armed forces conducted an aerial bombing of an LTTE boat dock. More than a dozen persons were killed by the air force in bombings against Mullaitivu during the year. On April 19, artillery shells killed 15 and wounded 24 at a home for the elderly in Kaithady during a clash between the LTTE and the army. It was not clear which side was responsible. On November 23, 2 shells thought to be fired by the LTTE landed near a school in Muttur, near Trincomalee, killing 2 students and wounding 10 more. During the year, dozens of civilians were wounded in contested areas of the north and east in clashes between the armed forces and the LTTE.

On May 17, 23 people were killed and dozens were injured when a bomb exploded at a Buddhist temple in Batticaloa in the east, where people were gathered to celebrate the Buddhist festival of Vesak (see Section

1.a.). The bomb, concealed in a freezer box on a bicycle, exploded after the cyclist was stopped by two policemen and a soldier; the cyclist ran away. After the bomb exploded, security forces opened fire, killing four children and injuring eight more. Although the Government has blamed the LTTE publicly for this bombing, no one officially claimed responsibility, and at year's end, no investigation had been conducted. Furthermore the Government has not commented on the additional deaths and injuries caused by the security forces opening fire.

The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians. In September 1999, the air force dropped 3 bombs on a village near Puthukudiyiruppu in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the air force targeted an LTTE training camp, and at first they did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident. During the year, the Government held an investigation and authorized compensation for the victim's families, admitting that the site had been bombed "in error." However, the Government did not admit formally to having killed civilians.

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also established human rights cells in each division, and it established a human rights office in each brigade and battalion. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. Food rations were delivered by the Government to the Vanni area through a checkpoint that is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE (an "uncleared area" in Government parlance) was not closed during the year.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. During the first half of the year, the Government proved particularly reluctant to allow medical supplies into LTTE-controlled areas. During this period, civilians injured in the conflict relied heavily on aid provided by international NGO's who faced severe restrictions on moving medical supplies into the area. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported capturing several LTTE insurgents on the battlefield during the year. It sent these, and other cadres who surrendered or whom security forces arrested to rehabilitation centers. The ICRC continued to visit approximately 100 former LTTE members now in government rehabilitation camps, although the October massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (see Section 1.a.).

In view of the scale of hostilities and the large number of LTTE casualties, some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the government side, an unwritten "take-no-prisoners" policy generally remained in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove wounded fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly wounded fighters (see Section 1.a.). There were no reported instances of security forces personnel executing LTTE cadres this year, and no army or other security forces personnel were prosecuted or disciplined for allegedly executing prisoners from previous years.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to government care. Credible reports told of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. At the end of September, the LTTE admitted to holding only 11 security forces prisoners, all captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel that it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998, and in November 1999, it transferred over 11 SLA members who were captured during the year to the ICRC. In February the LTTE released four servicemen, and in June it released one civilian.

The LTTE uses excessive force in the war. During the course of the year, the LTTE killed a government minister (see Section 1.a.) and more than 200 other noncombatants. The LTTE has engaged in hostage taking, hijackings, and bombing of civilian targets.

In the past, the LTTE has used church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year.

The LTTE uses child soldiers. The armed forces captured a 14-year-old female LTTE cadre in fighting in September, and during the year credible sources reported LTTE efforts to recruit children to replenish battlefield losses. According to some reports the LTTE shows war movies and gives political speeches to children in schools. In September 1998, 25 young LTTE fighters surrendered as a group; at least one of those who surrendered was 13 years old. Most of the others were aged between 15 and 17 years. In 1998 the LTTE promised the U.N. Secretary General's Special Representative for Children in Armed Conflict that it would not recruit children under 17 and would not use children under 18 in battle. It disregarded those promises.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported an increase in anemia and a lower birth rate, both of which indicate lower levels of nutrition. There were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country. Medical sources distinguish between "undernourished" children (of which there are many throughout the country) and "malnourished" children.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east. Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in April, stating that it was impossible to continue as long as hostilities continued. According to the Landmine Monitor Report for 2000, both the LTTE and the military abandoned promises given in 1999 not to place new mines in areas designated for civilian resettlement. Sources reported 16 civilians were killed or wounded from January to give end of August in incidents involving mines or unexploded ordnance. On November 28, a landmine blast attributed to the LTTE killed 7 persons and injured 24 passengers on a bus in Anuradhapura district. In contrast 20 such accidents occurred in 1999. Sources have confirmed that the SLA is making great efforts to clear all explosives from areas that it has recaptured.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information and continued to censor news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. The Government reissued its censorship order in November 1999 after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country. In May the Government passed new ER to tighten censorship rules, to give the Government power to impound printing presses, and to close newspapers or broadcast stations it perceived as threats to national security. Subsequently a local NGO filed a fundamental rights case in the Supreme Court opposing censorship as a human rights violation. The court refused to consider the case. On November 1, International Press Institute (IPI) placed the country on its "watch list" of countries which "appear to be moving towards suppressing or restricting press freedom." IPI cited the new Emergency Regulations as an impediment to free media expression.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC, a radio station). There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. However, some journalists practiced self-censorship due to fear of intimidation. There is also a privately owned newspaper published in Jaffna. The Government imposes no political restrictions on the establishment of new media enterprises.

The Government has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 there was an attempt to pass a broadcast reform bill that was ultimately unsuccessful and further revisions subsequently proposed by a blue-ribbon panel have yet to be implemented.

In a January speech, the President attacked the press and singled out individuals and media organizations for criticism by name. After passing the new ER in May, the Government created a special media information center to approve print and broadcast material produced in the country, including that of foreign journalists. Later that month, the SLBC defied an order by the censor and continued to broadcast the BBC's Sinhala-language news program. After a period of controversy, the Media Minister allowed the broadcasts to continue. The President officially eased censorship restrictions on foreign journalists in a circular published on June 5, although material for publication or broadcast within the country, regardless of author, remained subject to government approval. As a result of the Government's actions, journalists practiced self-censorship.

In late May, the Government used its power under the new ER to close two publications in Colombo and the independent newspaper in Jaffna, citing security concerns. The Supreme Court in late June declared the censorship regulations to be invalid, and it ordered the Government to allow the newspapers to reopen. The Government complied with the ruling, but it reissued the regulations in a manner consistent with the Supreme Court ruling.

On September 19, police arrested a young man for criticizing the President on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. Regardless at year's end, the young man remained in prison pending a hearing of the case.

On January 2, unknown attackers set fire to the home of an actress who supported the opposition party candidate during the 1999 presidential election campaign. On January 26, presumed government supporters attacked a husband and wife singing duo, who also had supported the opposition presidential candidate. On April 6, the local BBC correspondent was assaulted while covering a rally that protested Norway's involvement in the country's peace process. Other journalists reported threats for expressing opinions critical of the Government. Several fled the country.

During the year, police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper which had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case. Similarly authorities made no progress in the 1999 murder of Ramesh Nadarajah, a Tamil Member of Parliament and the editor of a Tamil-language weekly.

In March 1999, an army brigadier allegedly abducted and assaulted a journalist working for an independent Sinhala-language newspaper. Police arrested the brigadier, after which courts granted him bail. The case did not come to trial during the year.

In February 1998, armed men attacked a journalist who regularly reported on defense matters, including corruption in military procurements. The Government criticized the attack; it subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down in 1999. Courts postponed the hearings several times during the year; the case was scheduled to reconvene in February 2001.

The editor of a leading national newspaper who was found guilty of defaming the President in 1997 appealed the verdict that year. On December 5, an appellate court upheld the lower court's ruling. The editor appealed the decision to the Supreme Court. Another defamation case filed by the President in 1995 led to the September 5 conviction of an editor of another important English-language weekly. The editor received a 2-year jail sentence, later suspended; he appealed. Other defamation cases filed by the President against editors of major newspapers critical of the Government or supportive of the opposition remained pending. Journalists viewed these cases as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation. In August 1999, the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights case on behalf of an ethnic Tamil reporter on the staff of the government-owned and-controlled Tamil language daily. Security forces arrested the reporter on August 21, 1999, on suspicion of affiliation with the LTTE and later released him. The court ruled that the security forces had acted within their rights in detaining the reporter and refused to award compensation.

Travel by foreign and national journalists to the conflict areas was restricted, but in September the Government began approving some requests for journalists (both local and foreign) to travel north and they organized transport for selected journalists to visit Jaffna; however, the Government did not announce a formal policy change. Both local and foreign journalists still were required to obtain advance permission from the Ministry of Defense for travel to conflict areas. The Foreign Ministry also had to approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced, but they still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. The Government remains the only source of most news about security and defense matters that can be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely-respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government generally respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The right of assembly is also restricted under the emergency regulations, and the Government ordered the cancellation of two political rallies under the new emergency regulations in May. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

New ER enacted in May restricted the right to organize rallies, including political demonstrations and discouraged public celebrations. Under the new emergency regulations, police ordered the cancellation of a JVP protest organized for May 9 and cancelled the UNP's first preelection rally, scheduled for May 12. Nonetheless many political parties and factions continued to hold impromptu, short demonstrations without reprisals from the Government. A June presidential order lifted the restrictions on rallies.

Violence at political rallies sometimes occurs. A JVP supporter died on September 27 from injuries sustained when the police broke up a JVP rally held in Matale on September 25, which the Government claimed was illegal because participants had not applied for permits or requested permission to use loudspeakers.

The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that purpose during the year.

The LTTE does not allow freedom of association in the areas that it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other Government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

#### c. Freedom of Religion

The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other

faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but for the last 30 years, the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy. It permitted those already in the country to remain; however, as foreign clergy have retired, Sri Lankans would replace them. For example, in 1962 the Government reached an agreement with the Catholic Church that new Jesuit clergy would not be permitted to enter the country on a permanent basis. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute, and it is not lobbying the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed. However, in May 1999 two bombs exploded in the hall of the church; no one was injured, but the structure was damaged slightly. The denomination complained that it continues to face opposition at the local level in many places but stated that legal action or the threat of legal action generally has resulted in the Church being allowed to construct facilities for its congregations and conduct worship services.

The LTTE has discriminated against Muslims. In 1990 it evicted some 46,000 Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslims with death if they attempted to return to their homes before the conflict ends (see Section 5).

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in the town of Kandy in January 1998. In May an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and wounded dozens of others (see Sections 1.a. and 5).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka," and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east, and frequently they are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city. For Tamils travel from Jaffna to other parts of the country remained extremely difficult, due to security restrictions imposed by the security forces and the limited availability of transportation. The ICRC in September replaced its relief and supply ship with a new vessel capable of carrying up to 75 persons. The ship evacuated civilians from Jaffna who needed medical treatment, but it also carried civilian passengers between Trincomalee and Jaffna on an as-needed basis. In addition the Government hired a passenger vessel with room for 400 persons that operated between Trincomalee and Jaffna and transported medical supplies; in July the ICRC began providing escort for the ship under the ICRC flag, at the request of the Government and with the agreement of the LTTE.

The armed forces initially prevented more than 1,000 civilians from vacating conflict areas on the Jaffna peninsula during fighting in April and May and imposed a curfew, prompting accusations that the security forces were using the population as "human shields." The military quickly decided to permit civilians to evacuate the area after intense pressure by human rights groups. During the April and May campaign, almost the entire population of the Thenmarachchi district, east of Jaffna, was trapped between the military and the LTTE. By early June, the situation had calmed sufficiently that many persons were able to leave. The LTTE and the military did not allow international NGO's to have access to the area until mid-June. Observers believe that many persons, including the elderly and invalids, may not have been able to leave the area during the heaviest fighting in May, and may have died as a result. The area still was contested at year's end. The U.N. High Commissioner for Refugees (UNHCR) and ICRC were unable to gain access to the region until fighting abated in June.



In November 1999, most residents of Vavuniya fled when the LTTE threatened to shell the town as part of its counterattack. Security forces kept nearly 5,000 residents of nearby welfare centers or transit camps where they were. Human rights groups accused security forces of endangering the lives of camp residents. One week later the LTTE withdrew its threat, and most residents returned.

Fighting between Government and LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shift. Fighting in Jaffna from April to June this year displaced an estimated 150,000 more, most of whom sought shelter with friends or relatives. Another 340,000 displaced reportedly live in the Vanni. Since September 172,000 internally displaced persons (IDP's) have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with government social services and food aid. By year's end, 500,000 displaced persons, including those in the Vanni, had registered for government food aid and were receiving medicine and other essential supplies from the Government.

The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Some attempts at resettlement proved successful. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. However, many of the resettled were displaced again by further fighting, including those who in 1999 returned to their homes north and east of Vavuniya, but they were forced to flee again when the LTTE retook the area starting in November 1999.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these over 100,000 persons reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the very young. Those wishing to travel must be sponsored by a registered Vavuniya resident, and only one person may be sponsored at a time. This has created a lucrative black market in sponsorships. During the year, persons crossed illegally from LTTE-controlled to government-controlled areas. These individuals encountered strenuous security checks in Vavuniya that often took months, further contributing to crowding in the transit camps. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. At year's end, about 42,000 displaced persons continued to live in substandard conditions with relatives or in camps in Vavuniya and Mannar. Some displaced persons wish to return to their homes.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition it usually would allow only one family member to travel at a time. Following the Government's capture of Jaffna, the LTTE began to allow persons to move more freely into, government-controlled areas, although it still extracts a small fee for "travel passes" to leave the Vanni, and it rarely allows entire families to leave at once. The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the one established and legal checkpoint. The LTTE also disrupted the movement of IDP's from Trincomalee to Jaffna by hijacking or attacking civilian shipping. On June 26, an LTTE suicide boat rammed the M.V. Mercs Uhana, a civilian transport ship carrying food and other supplies to Jaffna (see Section 1.a.). On November 2, the LTTE temporarily hijacked the Russian vessel M.V. Utyous after the Sri Lankan navy destroyed three LTTE craft in a sea battle. After successfully evading the navy and escaping to shore, the LTTE released the Russian ship and its crew. In addition the LTTE also disrupted civilian air traffic to Jaffna; in August 1998, it began warning civilians and humanitarian workers not to use civilian flights serving the peninsula.

Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 65,000 Tamil refugees lived in camps there, having left the country at various times throughout the period of the conflict. Indian authorities reported 1,400 new refugees from between January and August 31; about 100,000 refugees may have integrated into Tamil society in India over the years.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. However, the UNHCR granted refugee status to four persons during the year.

who asked for that status after arriving in the country. The law does not include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. The country is a longstanding democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the government was exercised in December 1999 when Chandrika Kumaratunga was elected to a second 6-year term as President and again during parliamentary elections in October. Both elections were marked by violence. As of September 29, the Center for Monitoring Election Violence (CMEV) recorded more than 500 acts of violence, including 7 killings, in the period leading up to parliamentary elections. Another local monitoring organization counted 2,036 acts of violence during the campaign period from close of nominations in September to election day on October 10; it noted violence ranging from defacement of campaign posters to assault and 73 killings. Violence also plagued the 1999 presidential elections; several persons died and many more were injured, including the President and the Justice Minister, in an LTTE suicide bomb attack.

By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A European Union monitoring mission, in its final report, expressed concern about violence and irregularities in the voting, but it concluded that the election "did to a reasonable degree reflect the will of the electorate."

The incidence of electoral fraud has increased in recent elections. Elections Commission officers reported misuse of postal votes in the 1999 Northwest ("Wayamba") Province elections. In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February 1999, the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Two local election monitoring organizations found that the 1999 presidential vote was flawed in more than 10 percent of polling stations. A group of 26 international observers invited by the Government to observe the elections stated that they saw no evidence of fraud in the 1999 presidential elections, but they admitted the possibility of irregularities and suggested ways for improving the voting system to prevent cheating. The EU sent a delegation of more than 70 monitors to observe the parliamentary elections in October. The Elections Commissioner granted the EU representatives access to polling and counting stations. Local monitoring groups also observed the polls.

The Commissioner of Elections recognized 46 parties at the time of general elections in October; however, only 13 parties actually held seats in the 225-member Parliament elected during the year. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented in government and politics. Nonetheless, in August 1994, voters elected a Parliament that chose a female Prime Minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December 1999 for a second term. Eleven women held seats in the Parliament that completed its term in August. In addition to the Prime Minister, the Minister for Women's Affairs, and the Minister of Social Services, a number of women held posts as deputy ministers in the last parliament. Of the 5,000 candidates for the October parliamentary elections, 116 were women and 7 of them won seats in the October elections. The President appointed three of these women, including the wife of the deceased leader of the Sri Lankan Muslim Congress, to ministerial posts.

The Parliament elected in October has 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning in the east during the October parliamentary elections. Through a campaign of killing and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims as part of a Tamil homeland.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several domestic NGO human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February 1999, the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers saw this as an attempt by the Government to exert greater control over the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January 1999(see Section 3). However, few NGO's complied with these new reporting requirements. The Government generally cooperated with NGO's, with members of Parliament, and with other officials frequently participating in seminars and other events concerning human rights and humanitarian affairs.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). In the past, the ICRC provided international humanitarian law training materials and training to the security forces on an ad hoc basis. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, even with the many restrictions on such supplies (see Section 1.g).

By year's end, the HRC conducted more than 2,000 visits to police stations and 500 visits to detention facilities. The HRC has over 4,000 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership within the organization. For example, after almost 4 years of operation, the HRC had failed to hire permanent staff. The organization also responded inadequately to requests from its field officers for protection when inquiries placed them in danger. The HRC also has been criticized for micromanaging the activities of the field offices, which are equipped poorly. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness, since the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). New commissioners were appointed in March after the tenure of the previous commissioners expired. Activists have expressed some satisfaction with the new leadership, especially for its prompt investigation into the Bindunuwewu massacre.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language or Social Status

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (see Section 1.d.).

##### Women

Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continue to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention. Police statistics indicated that there were 26,660 crimes against women during the period from January to July 1999, compared with 26,565 crimes between January and June of 1998. Although laws against procuring and trafficking were strengthened in 1995, facilitating the prosecution of brothel owners, trafficking in women for the purpose of forced labor occurs (see Sections 6.c. and 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector, where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, issues related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or

religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

#### Children

The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The 1997 Compulsory Attendance at Schools Act, implemented in January 1998, requires children between the ages of 5 and 14 to attend school (see Section 6.d.). Approximately 85 percent of children under the age of 16 attend school. Education is free through the university level. Health care, including immunization, also is free.

In the period January 1 to August 31, the police recorded 767 cases of crimes against children, compared with 1,491 in 1999. Many NGO's attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE, although the Bureau for the Protection of Children and Women of the police conducts investigations into crimes against these two groups.

There is a serious problem of child prostitution in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (see Sections 6.c. and 6.f.). A 1998 U.N. International Labor Office study placed the total at 30,000, a number which has not been confirmed and has been criticized by activists in the field as highly speculative. The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (see Section 6.c.). The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. Several foreign pedophiles were brought before courts during the year. The penalty for conviction is usually a fine and deportation. Four cases of pedophilia were brought to court this year, one involving a foreigner.

In 1995 the Ministry of Media, Tourism, and Aviation created a task force specifically to study the problem of sex tourism and related offenses. It was abolished at the end of 1997 and superseded by a presidential task force on child protection. Following the recommendation of the task force, the Government created the National Child Protection Authority (NCPA) in 1998. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is composed of senior law enforcement officers as well as representatives from the education, medical, and legal professions; it reports directly to the President. By year's end, the NCPA had recruited permanent staff and moved into an office space that it shares with the Bureau for the Protection of Women and Children of the police force.

The LTTE uses child soldiers and recruits children for use in battlefield support functions and in combat. In September the military captured a 14-year-old girl who fought near Jaffna. Other LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (see Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17; however, the LTTE has not honored this pledge.

#### People with Disabilities

The law does not mandate accessibility to buildings or government services for the disabled. The World Health Organization estimates that 7 percent of the population is disabled. Most disabled persons who are unable to work are cared for by their families. The Department of Social Services operates eight vocational training schools for the physically and mentally disabled and sponsors a program of job training and placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's that assist the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers, and has registered 74 schools and training institutions for the disabled run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible disabled persons to find jobs. In spite of these efforts, the disabled still face difficulties because of negative attitudes and discrimination. In 1996 Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

## Indigenous People

The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. However, some Veddas still complain that they are being pushed off of their land. Although many Veddas continue to pursue a traditional way of life, visits by tourists have become an important source of income for the community.

## Religious Minorities

Discrimination based on religious differences seems much less common than discrimination based on ethnic group or caste. In general the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion evangelical Christians have been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c.). In 1988 the leader of an Assemblies of God congregation in the southern town of Tissamaharama was killed by unknown assailants. In April 1999, two bombs exploded in the church hall of this congregation, now run by the pastor's widow. No one was injured; however, the building sustained some structural damage (see Section 2.c.).

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990--virtually the entire Muslim population. Most of these persons remain displaced. In the past, the LTTE expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return (see Section 2.c.).

The LTTE also has attacked notable Buddhist sites. In May 23 persons were killed and dozens wounded when an LTTE bomb exploded near a temple at the Buddhist Vesak festival (see Sections 1.a. and 2.c.).

## National/Racial/Ethnic Minorities

There are approximately 1 million Tamils of comparatively recent Indian origin, the so-called "hill" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also are vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999 the Government introduced a program to begin registering these individuals; 4,500 "Indian" Tamils received identity cards between January and September 22. Critics charged that the program did not progress fast enough.

Both Sri Lankan and "Indian" Tamils maintain that they have long suffered systematic discrimination in university education, government employment and in other matters controlled by the Government. In 1996 the Government established a parliamentary select committee to consider a package of constitutional reforms designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. While the two main political groupings, the PA and UNP, reached consensus on many aspects of the devolution proposals, when the Government introduced the draft Constitution to Parliament in August in hopes of passing the measures, it had to suspend debate on the new Constitution due to political opposition. The LTTE rejected the devolution proposals.

## Section 6 Worker Rights

### a. The Right of Association

The Government respects the constitutional right of workers to establish unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Over 70 percent of the plantation work force, which is overwhelmingly "hill" Tamil, is unionized. In total there are over 800,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector is unionized. Unions represent most workers in large private firms, but those in small scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political

affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. In 1999, the most recent year for which data are available, the Department of Labor registered 69 new unions and canceled the registration of 71 others, bringing the total number of functioning unions to 1,676. The Department of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers also may lodge complaints with the Commissioner of Labor, a labor tribunal or the Supreme Court to protect their rights. However, in May the Government issued new emergency regulations in response to military events in the north, which prohibited strikes as part of placing the country on a "war footing." Nonetheless, plantation workers and railway workers participated in strikes. The Government has periodically controlled strikes by declaring some industries essential under the ER. Despite this restriction, the Government in 1998 permitted a 5-week postal strike and a strike by plantation workers. The President retains the power to designate any industry as an essential service. The President attempted to break a doctors' strike in June 1999 by declaring their services essential. The doctors defied the order, and after a standoff which lasted a week, the Government agreed to consider their grievances. The International Labor Organization (ILO) has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission but have no legal grounds to strike. Nonetheless, government workers in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in recent years. There were over 100 public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Tamil plantation workers, is the only trade union affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining, and it is practiced widely. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the export processing zones (EPZ's), worker councils--composed of employees, employers and often a public sector representative--generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and they have been criticized as ineffective by labor advocates.

In December 1999, Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

There are approximately 110,000 workers employed in the export processing zones (EPZ's), a large percentage of them women. Under the law, workers in the EPZ's have the same rights to join unions as other workers. However, few unions have formed in the EPZ's, largely because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZ's is only 10 percent. Labor representatives allege that the Government's Board of Investment (BOI), which manages the EPZ's, including setting wages and working conditions in the EPZ's, has discouraged union activity. Work councils in the EPZ's are chaired by the BOI and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZ's offer higher wages and better working conditions generally than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZ's, where wages and work conditions are set by the BOI.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by provisions of the 1844 Abolition of Slavery Act; however, there were reports of its use. There are reports of women being trafficked to the country for the purpose of prostitution (see Section 6.f.). The act does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. In the past there were credible reports that some rural children were employed in debt bondage as domestic servants in urban households; some of these children reportedly had been abused (see Section 5); however, no cases were reported during the year. Some children were trafficked and forced into prostitution (see Sections 5 and 6.f.).

There are credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during the year, and they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when notified of the abuse. Some members of the STF in the Batticaloa area forced villagers to work without compensation, clearing jungle areas and in other manual labor in and near STF camps during 1999; the villagers were threatened directly or indirectly with physical abuse if they did not perform the work.

#### d. Status of Child Labor Practices and Minimum Age for Employment

In 1998 Parliament passed the National Child Protection Authority Act (NCPA) to combat the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that clearly established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law to permits the employment of younger children by their parents or guardians in limited agricultural work. In January Parliament repealed a regulation that permitted domestic employment for children as young as age 12. About 85 percent of children under the age of 16 attend school, and the law permits the employment of such persons for not more than 1 hour on any day before school. The 1997 Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. The ultimate effect that this act may have on the child labor problem remains unclear.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in nonplantation agriculture. A 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation child labor still exists. A child activity survey carried out in 1998-1999 by the Department of Census and Statistics found almost 11,000 children working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

A recent study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector often are deprived of an education. The law also permits employment in any school or institution for training purposes.

Regular employment of children also occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor led to nearly 500 complaints from January through August. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during the year. Under legislation dating from 1956, the maximum penalty for employing minors is about \$12 (1,000 rupees), with a maximum jail term of 6 months.

Additional thousands of children are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are subjected to physical, sexual, and emotional abuse.

Children work as prostitutes as well; internal trafficking in male children is a problem (see Sections 5 and 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics. Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage, although there were no reports of this during the year (see Sections 5 and 6.c.).

The LTTE continued to use high-school-age children for work as cooks, messengers, and clerks. In some

cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (see Section 5). In May 1999, the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including schoolchildren and the aged. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established in order to gain tighter control over the population and to provide a base for recruiting fighters.

#### e. Acceptable Conditions of Work

The Department of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics division of the Department of Labor, the Government in September mandated a \$5 (400 rupees) increase in the minimum wage for private sector workers, and government workers received an increase equal to 10 percent of their salary, with a minimum raise of \$12.50 (1000 rupees) per month. Minimum wage rates average approximately \$33.52 (2,682 rupees) per month in industry, commerce, and the service sector; and approximately \$1.42 (114 rupees) per day in agriculture. The minimum wage in the garment industry is \$39 (3,225 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner. Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5-1/2 day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year.

Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. However, the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. Health and safety regulations do not meet international standards.

#### f. Trafficking in Persons

Penal Code amendments enacted in 1995 made trafficking in persons illegal; however, there are credible reports that trafficking in women and children occurs. Penalties for trafficking in women include imprisonment for between 2 and 20 years, plus a fine. For trafficking in children, the law allows imprisonment of between 5 and 20 years, plus a fine. According to police reports, there is a floating pool of approximately 200 foreign female sex workers in the country who were trafficked from the former Soviet Union, Thailand, and China.

Internal trafficking in male children also is a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimates that there are at least 5,000 male children between the ages of 8 and 15 who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or by organized crime (see Sections 5 and 6.c.). PEACE also reports an additional 7,000 young men aged 15 to 18 who are self-employed prostitutes. The country reportedly has a growing reputation as a destination for foreign pedophiles; however, officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles. As of September, a case against one foreign pedophile was pending in magistrate court. In 1999 a foreign pedophile was sentenced to 14 years in prison (the defendant has filed an appeal); another convicted pedophile was deported.

[End.]



